

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-549-502]****Certain Welded Carbon Steel Pipes and Tubes From Thailand; Notice of Amended Final Results of Antidumping Duty Administrative Review in Accordance With Final Court Decision**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Amended Final Results of Administrative Review in Accordance with Final Court Decision on Certain Welded Carbon Steel Pipes and Tubes from Thailand.

**EFFECTIVE DATE:** January 18, 2000.

**FOR FURTHER INFORMATION CONTACT:** Dana Mermelstein or Javier Barrientos, AD/CVD Enforcement Group III, Office VII, Room 7866, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3208 or (202) 482-2243, respectively.

**SUMMARY:** On October 6, 1999, the U.S. Court of International Trade (the Court) affirmed the Department of Commerce's (the Department) remand determination of the final results of the antidumping duty administrative review of Certain Welded Carbon Steel Pipes and Tubes from Thailand. As no further appeals have been filed and there is now a final and conclusive court decision in this action, we are amending our final results.

**SUPPLEMENTARY INFORMATION:****Background**

On October 16, 1997, the Department published the final results of the administrative review in Certain Welded Carbon Steel Pipes and Tubes from Thailand (62 FR 53808) (*Final Results*), covering the period March 1, 1995 through February 29, 1996.

Respondents challenged the Department's application of the affiliated parties standard, provided in 19 U.S.C. 1677(33) (1994), and our subsequent conclusion that Saha Thai was affiliated with several companies based on common control by various family groupings. In the *Final Results*, the Department had determined pursuant to 19 U.S.C. 1677(33) (1994), that Saha Thai was affiliated with two producers, Thai Tube and Thai Hong; three home market customers; and, two members of the Siam Steel Group. The

Department found that Saha Thai had significantly impeded the review by failing to disclose these affiliations. Thus, for the *Final Results*, the Department determined a dumping margin of 29.89 per-cent for the period of review (POR), based on total adverse facts available. On March 23, 1999, the Court remanded these final results. See *Ferro Union, Inc. v. United States*, 44 F. Supp.2d 1310 (Ct. Int'l Trade 1999) (*Ferro Union*).

The Court found that the Department's interpretation of "family," as stated in 19 U.S.C. § 1677(33)(A), was reasonable and affirmed that interpretation. However, the Court also found that the Department had provided insufficient guidance with respect to its interpretation of the term; specifically, that more distantly-related family members, beyond those listed in the statute, were to be included. Therefore, the Court ordered the Department to reconsider the use of total adverse facts available. The Court also instructed the Department to revisit other factual determinations. See (*Ferro Union*). The Department issued its remand determination on July 6, 1999. See *Remand Determination: Ferro Union, Inc. and Asoma Corporation v. United States*, Court No. 97-11-01973 (hereinafter "*Remand Results*" or "*RR*"), in which the Department calculated a dumping margin based on partial adverse facts available.

On October 6, 1999, the Court affirmed the Department's remand results, upholding the use of partial adverse facts available. See *Ferro Union Inc and Asoma Corporation v. The United States*, Slip Op. 99-104 (CIT, October 6, 1999). Pursuant to the Court's order, we have placed on the record in this case the margin calculation program using partial adverse facts available.

**Amendment to Final Results of Review**

Because no further appeals have been filed and there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Final Results*, and establishing the following revised dumping margin:

**CERTAIN WELDED CARBON STEEL PIPES AND TUBES FROM THAILAND (POR 1995-1996)**

Producer/management/exporter	Weighted-average margin
Saha Thai .....	9.52 percent.

The "All Others Rate" was not affected by the *Remand Determination*,

and remains at 15.67 per-cent. See *Final Results* FR 62 (37543).

The Department will instruct the Customs Service to assess these revised antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Dated: January 5, 2000.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE****International Trade Administration****[C-428-812]****Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Germany: Rescission of Countervailing Duty Administrative Review and Initiation and Preliminary Results of Changed Circumstances Review and Intent To Revoke Order**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of rescission of countervailing duty administrative review and initiation and preliminary results of changed circumstances review and intent to revoke order.

**SUMMARY:** In response to a request from Ispat Inland Inc. (Ispat) and Republic Technologies International (RTI) (the successors to the petitioners in this proceeding) and from domestic producer Birmingham Steel Corporation (BSC) (collectively, the domestic producers), the Department of Commerce (the Department) is rescinding the current administrative review of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany. This administrative review covers the period January 1, 1998, through December 31, 1998. In addition, in response to a request from the domestic producers, we are initiating a changed circumstances review and issuing this notice of intent to revoke the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany. The domestic producers requested that the Department revoke the order retroactive to January 1, 1998, because they no longer have an interest in maintaining the order.

**EFFECTIVE DATE:** January 18, 2000.